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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,062	05/21/2001	Shinichi Odake	A-399	7594

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DELLETT AND WALTERS  
310 S.W. FOURTH AVENUE  
SUITE 1101  
PORTLAND, OR 97204

EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/863,062	ODAKE ET AL.	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Specification*

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 & 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14 & 15 are directed to computer programs *per se*. Computer programs are not, in and of themselves, patentable. The recitation of a storage medium does not render a program patentable. There must be an affirmative recitation of a computer running the program and taking some action based thereon.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 & 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 contains the limitation "a camera-type input device". It is unclear what "camera-type" means.

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3. Claims 3 & 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims contains the limitation, "the optional position". This appears to be a mistranslation. In what sense is the position on the screen "optional"? This is unclear.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. ~~Please cut some of the redundant language from the~~  
claim.

5. Claims 10 & 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Claim 10 is virtually unintelligible. The limitation, "when two consecutive screens become light emitting objects at the time of making the screen of said display device emit light, said screen lighting unit delay timing of emitting light by the screen that becomes a light emitting object later by at least one screen, and inserts said game screen between the two screens that are light emitting objects" is particularly puzzling.

First of all, “screen” appears to have at least two meanings. It appears to mean a physical object in the context of “the screen of said display”. But it appears to mean “game image” or “image frame” in the context of “said game screen”. There are, however, other places where either meaning could apply. For instance, the phrase “when two consecutive screens become light emitting objects” at first glance seems to refer to the “game image” incarnation. But “light emitting objects” appears to refer to the physical manifestation. Which is it?

Secondly, the limitation “light emitting objects” is inapt. The (physical) screen emits light whenever it displays a game image. Except when the (physical) screen is completely blank, it is always a light emitting object.

Through his knowledge of the art, Examiner believes the claim may be attempting to describe the following situation:

When the input switch is activated, the monitor is caused to flash so that the photocell in the input device can detect the aim point. (The monitor starts writing all “white”. The photocell determines when the pixels at the aim point turn from dark to light and sends a signal telling the processor to note the h-sync and v-sync signals from the monitor, which are used to determine the aiming point.) The flash is not perceptible to the human eye because it does not last long enough. If, however, two or more flashes occur in a row, the player can perceive a blink on the monitor.

Examiner believes that Claim 10 may be addressing this issue by making sure that at least one game image is displayed between flashes. That, at any rate is the interpretation that Examiner will place on the claim in this office action.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-5 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al (US Patent Number 5,569,085) in view of Tanaka et al. (US Patent Number 6,120,379).

**Claims 1 & 14:** Igarashi teaches a camera-type (i.e., light sensing) input device (Fig 2) allowing a subject including a shooting range to be seen through a window (Fig 5).

There is a display device (2) displaying a predetermined game screen including a target (48). A game operation section (52) performs predetermined game operations based on the position on the game screen at which the input device is pointed. (Col 2, 25-40)

Igarashi does not, however, teach that the target is to be “photographed”. Target games are extremely well known to the art. The input device may take any shape and still maintain the same functionality. (The shape itself is purely decorative and, therefore, carries no patentable weight.) Tanaka teaches a camera-type input device for game machines. (Fig 1) Photography is a popular pastime. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adopted a photography theme for a target game in order to take advantage of the popularity of photography.

**Claim 3:** Igarashi teaches a switch (27) for activating the input device. It is analogous to a shutter switch. There is a position detection mechanism (44) for optically detecting the position at which the input device is pointed when the switch is operated.

**Claim 4:** Igarashi teaches an image generator (35) that displays an image on the game screen (2). There is a judging unit (51) for making a judgment concerning whether or not the player can achieve a predetermined task by comparing the display position of the target with the position at which the input device is pointed when the switch is operated. (Fig 6)

**Claim 5:** Igarashi teaches a raster scan display. The light receiving unit is placed in the input device and detects directive incident light. The screen lighting unit emits light when the switch is operated and the position detecting unit determines the aim point based on the timing of the light detected by the light receiving unit. (Col 4, 34-53)

8. Claims 2, 7-13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi and Tanaka as applied to claim 1 above (if appropriate), and further in view of Yoshida (US Patent Number 5,795,224).

**Claims 2, 7, 9:** Igarashi and Tanaka teach the invention substantially as claimed.

Igarashi teaches that the input device is tethered to the game machine to maintain an almost constant distance from the display screen. (Fig 1) Tanaka teaches extracting an image that includes a predetermined range centering on the aiming point of the input device (the photo shooting range), but does not teach extracting this image from the game image displayed on the screen. Yoshida teaches extracting an image from the game image displayed on the screen that includes a predetermined range centering on the

aiming point of the input device. (See Figs 5-7) Displaying a “photograph” that consists of an image depicting a portion of the display screen (immediately before or after timing-light emission – i.e., a picture of the game image when the switch was activated) that includes a predetermined range centering on the aiming point of the input device would be consistent with a “photography” theme. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a “photograph” that consists of an image that includes a predetermined range centering on the aiming point of the input device to implement a “photography” theme, thus taking advantage of the popularity of photography as a pastime.

**Claims 8 & 15:** Igarashi and Tanaka teach the invention substantially as claimed.

Igarashi teaches a switch (27) that is analogous to a shutter switch. The process of position detection is performed by making the display screen of the display device emit light when the switch is operated. (Col 4, 34-53) They do not teach cutting off image data by the image extracting unit when the switch is operated and capturing an image of the game immediately before or after timing-light emission – i.e., a picture of the game image when the switch was activated. Cutting off image data by the image extracting unit is another way of saying taking a “photograph”. Tanaka teaches taking a photograph. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a “photograph” that consists of an image that includes a predetermined range centering on the aiming point of the input device to implement a “photography” theme, thus taking advantage of the popularity of photography as a pastime.



**Claim 10:** Igarashi and Tanaka teach the invention substantially as claimed. Igarashi teaches using the illumination of the monitor to determine the aiming point of the input device. Igarashi does not, however, specifically teach ensuring that at least one game image is displayed between flashes of the monitor. One flash of the monitor is not perceptible to the human eye because it does not last long enough. If, however, two or more flashes occur in a row, the player can perceive a blink on the monitor. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed at least game image between monitor flashes in order to prevent a perceptible blink of the monitor.

**Claim 11:** Igarashi, Fig 1 clearly shows a game machine with a plurality of input devices.

**Claim 12:** Igarashi teaches a camera-type (i.e., light sensing) input device (Fig 2) allowing a subject including a shooting range to be seen through a window (Fig 5). There is a display device (2) displaying a predetermined game screen including a target (48). A game operation section (52) performs predetermined game operations based on the position on the game screen at which the input device is pointed. (Col 2, 25-40)

Igarashi does not, however, teach that the target is to be “photographed”. Target games are extremely well known to the art. The input device may take any shape and still maintain the same functionality. (The shape itself is purely decorative and, therefore, carries no patentable weight.) Tanaka teaches a camera-type input device that takes photographs. Photography is a popular pastime. It would have been obvious to one of

ordinary skill in the art at the time of the invention to have adopted a photography theme for a target game in order to take advantage of the popularity of photography.

Tanaka teaches extracting an image that includes a predetermined range centering on the aiming point of the input device (the photo shooting range), but does not teach extracting the game image from the screen. Yoshida teaches extracting a game image from the screen that includes a predetermined range centering on the aiming point of the input device. (See Figs 5-7) Displaying a “photograph” that consists of an image depicting a portion of the display screen (immediately before or after timing-light emission) that includes a predetermined range centering on the aiming point of the input device would be consistent with a “photography” theme. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a “photograph” that consists of an image that includes a predetermined range centering on the aiming point of the input device to implement a “photography” theme, thus taking advantage of the popularity of photography as a pastime.

**Claim 13:** Igarashi teaches detecting the aiming point by making the monitor emit light and determining a positional relationship between the aiming point and the target. (Col 4, 34-53) There is a judging unit (51) for making a judgment concerning whether or not the player can achieve a predetermined task by comparing the display position of the target with the position at which the input device is pointed when the switch is operated. (Fig 6)

Tanaka teaches extracting an image that includes a predetermined range centering on the aiming point of the input device (the photo shooting range), but does not teach

extracting a portion of the game image from the screen. Yoshida teaches extracting a portion of the game image from the screen that includes a predetermined range centering on the aiming point of the input device. (See Figs 5-7) Displaying a “photograph” that consists of an image depicting a portion of the display screen (immediately before or after timing-light emission) that includes a predetermined range centering on the aiming point of the input device would be consistent with a “photography” theme. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a “photograph” that consists of an image that includes a predetermined range centering on the aiming point of the input device to implement a “photography” theme, thus taking advantage of the popularity of photography as a pastime.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi and Tanaka as applied to claim 1 above, and further in view of Furukawa (US Patent Number 4,602,709).

**Claim 6:** Igarashi and Tanaka teach the invention substantially as claimed. Igarashi's Fig 5 teaches placing the light-emitting section that launches directive light toward the screen in the input device. There is a photographing unit (44) for taking an electronic photograph of the screen and a position detecting unit (55) for detecting the shooting position by detecting a position on the screen that is reached by the light emitted by the input device. There is a translucent member (46) but it is not between the light emitting device and the screen (40). Furukawa teaches projecting the target images from an image generating device onto a translucent member. Projection onto a translucent member allows the image to be larger without It would have been obvious to one of ordinary skill

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in the art at the time of the invention to have placed the translucent member between the light emitting device and the image generating device in order that the image could be projected onto the translucent member, thus enlarging it without incurring the cost of enlarging the image generating device.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These are other target games or camera games.

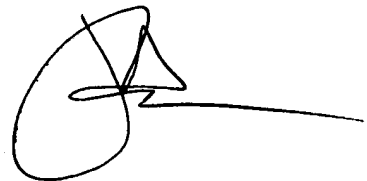
Reference Name	US Patent Number
Edwards et al.	6,312,337
Takeya et al.	3,838,856
Morris et al.	4,398,722
Sawano et al.	6,285,381
Yoshida et al.	6,012,980
Thanasack et al.	6,323,838
Dote et al.	5,213,335

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary Examiner, Jessica Harrison can be reached on (703) 308-2217. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cbc  
June 19, 2002

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line extending to the right.

**JESSICA HARRISON  
PRIMARY EXAMINER**